



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,429	03/31/2004	Masahiro Abe	58799-109	3795

7590 04/03/2009
MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER	
JARRETT, SCOTT L	

ART UNIT	PAPER NUMBER
3624	

MAIL DATE	DELIVERY MODE
04/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,429

Applicant(s)

ABE ET AL.

Examiner

SCOTT L. JARRETT

Art Unit

3624

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 10/23/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This **Final** Office Action is in response to Applicant's amendment filed February 19, 2009. Applicant's amendment amended claims 6, 7, 9 and 10 and canceled claims 1-5 and 8. Currently claims 6, 7, 9 and 10 are pending.

Response to Amendment

2. The Objection to the Title in the previous office action is withdrawn in response to Applicant's amendment to the Title.

The 35 U.S.C. 101 rejection of claims 1-5 in the previous office action is withdrawn in response to Applicant's cancellation of claims 1-5.

The 35 U.S.C. 112(2) rejection of claims 1 and 4 in the previous office action is withdrawn in response to Applicant's cancellation of claims 1 and 4.

Response to Arguments

3. Applicant's arguments with respect to claims 6, 7, 9 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du et al., U.S. Patent No. 5,826,239 and further in view of Nishikawa et al. U.S. Patent No. 7,373,309.

Regarding Claim 6 Du et al. teach a system for controlling workflow comprising:

- storing flow management information defining a processing for work according to a request from the operation terminals, in a storage device (Column 6, Lines 30-35; Column 7, Lines 56-58; Figure 2, Elements 21, 26-27; Figure 4, Elements 63, 21; Figure 5, Element 21);

- controlling input and outputs of data from the operation terminals, via a terminal I/O control unit (Column 4, Lines 44-45; Column 6, Lines 40-49; Figures 4, 6);

- a plurality of device management units provided for the types of processing units which controls the devices (e.g. resource managers, application data handlers; Column 6, Lines 40-49; Column 10, Lines 48-57; Column 15, Lines 23-28; Column 20, Lines 31-48);

- discriminating work, via a flow control unit, according to a request from each of the operation terminals, defining a processing flow satisfying the work by referring to

flow management information in the storage device and defining the device management unit to be operated out of the plurality of device management units based on the processing flow (Column 2, Lines 37-59; Column 4, Lines 60-68; Column 9, Lines 36-45);

- wherein the storage processing device stores occupancy status for at least one of the processing devices wherein the status indicates a status in which at least one of the operational terminal units has already occupied the at least one processing device or not; and wherein the device management unit selects an unoccupied processing device based on its stored occupancy status and controls the selected device (Column 2, Lines 49-53; Column 4, Lines 58-68; Column 13, Lines 43-57; Column 15, Lines 50-59; Column 19, Lines 28-37).

Du et al. further teach that the system comprises processing work according to requests from the operation terminals/units (Column 9, Lines 36-41; Column 21, Lines 15-39) and that the terminals connected via a network located in a plurality of locations including inside and outside of a business location (e.g. branch; Global/Local management of resources; Column 2, Lines 60-68; Column 3, Lines 1-20; Figures 1, 2).

Du et al. does not expressly teach a first/second statuses as claimed.

Nishikawa et al., teach a system and method for controlling a workflow, located outside a branch to which a customer makes a visit, which system is connected, via a network to a plural types of operation terminal units located in the branch to a plural of

types of processing devices in the brand that process work according to a request from the operation terminal unit (Column 1, Lines 10-16, 45-68; Remote Operation Terminal, Automated Contract/Consulting Machine) wherein the system comprises a storage device that stores occupancy (availability, status, state, busy, free, etc.) status information of at least one of the processing devices, the occupancy status information indicating a first status in which at least one of the operation terminal units has already occupied the at least one processing device or not and a second status (state, availability, etc.) in which if the at least one of operation terminal unit does not occupy the at least one of the processing devices the at least one operation terminal units is able to occupy the at least one processing device or not (Column 4, Lines 13-19; Column 6, Lines 33-39; Column 7, Lines 3-5, 30-38, 45-47; Column 8, Lines 1-8, 43-65; Column 9, Lines 23-31, 55-52; Column 15, Lines 25-35); and the device management unit selects an unoccupied (available) processing device by referring to the occupancy status store in the storage device and controls the selected processing device (Column 2, Lines 50-64; Column 14, Lines 25-61; Figure 9).

It would have been obvious to one skilled in the art at the time of the invention that the system and method as taught by Du et al. with its ability to select an unoccupied processing device based on stored occupancy status information would have benefited from utilizing occupancy status information comprising a first and second status information in view of the teachings of Nishikawa et al., since the claimed invention is merely a combination of old elements, and in the combination each element

merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding Claim 7 Du et al. teach a system wherein the storage device stores information identifying a branch (site, location, office, etc.) in which the processing devices are arranged (located, reside, installed, etc.; e.g. address, organization unit; Abstract; Column 10, Lines 38-41; Column 13, Lines 43-46); and

- wherein the device management unit, by referring to the identification information, selects one of the processing devices installed in the same branch (location) as the branch that made the request to the terminal and controls the selected processing device (e.g. utilizes local resource in same resource group or managed by local resource manager; Column 4, Lines 59-68; Column 5, Lines 1-7; Column 13, Lines 32-57).

Regarding Claim 9 Du et al. teach a system wherein the storage device stores association information between the operation terminals and processing devices (Column 10, Lines 48-53; Column 13, Lines 48-58; Column 14, Lines 60-63; ; and wherein the device management unit judges (determines) if one of the the processing devices, associated with one of the operation terminals that made a request, is available or not and controls the processing device if it is available and selects another processing device to be operated if one of the processing devices is unavailable

(Column 2, Lines 49-53; Column 4, Lines 58-68; Column 13, Lines 43-57; Column 15, Lines 50-59; Column 19, Lines 28-37).

Regarding Claim 10 Du et al. teach a system wherein the flow control unit selects a type of processing device to be operated according to the processing flow and selects one of the a device management units which is adequate for the selected type of processing device to be operated (Column 2, Lines 49-53; Column 4, Lines 58-68; Column 13, Lines 43-57; Column 15, Lines 50-59; Column 19, Lines 28-37).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sutton et al., U.S. Patent No. 7,237,243, teach a system and method for managing a plurality of devices using on multiple status information/indicators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT L. JARRETT whose telephone number is

(571)272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on (571) 272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott L. Jarrett/
Primary Examiner, Art Unit 3624